

PROCEEDINGS ON THE DEATH OF MR. CHIEF JUSTICE FULLER.

MELVILLE WESTON FULLER, Chief Justice of the United States, died at his summer residence in Sorrento, Maine, on July 4, 1910, while the court was in vacation. He was buried in Chicago, Illinois.

A meeting of the Bar of the Supreme Court of the United States was held in the Court Room on Saturday, December 10, 1910.

On motion of Mr. A. S. Worthington, Mr. Richard Olney of Massachusetts, was elected Chairman and the Clerk of the Court acted as Secretary.

Addresses were made by Mr. Olney, Mr. Stephen S. Gregory, Mr. Elihu Root, Mr. Lee S. Overman, Mr. Charles E. Littlefield, Mr. George E. Price, Mr. Marcus Pollasky, Mr. A. J. Montague, Mr. A. S. Worthington, Mr. William L. Marbury, Mr. Henry A. M. Smith and Mr. John S. Miller.

A committee consisting of Mr. S. S. Gregory, Mr. Alton B. Parker, Mr. C. E. Littlefield, Mr. William L. Marbury, Mr. A. S. Worthington, Mr. George E. Price, Mr. A. J. Montague, Mr. Lee S. Overman, Mr. Henry A. M. Smith, Mr. Elihu Root, Mr. P. C. Knox, Mr. John W. Griggs, Mr. John W. Noble, Mr. J. M. Dickinson, Mr. U. M. Rose, Mr. John S. Miller, Mr. Frank P. Flint, Mr. Alexander Pope Humphrey, Mr. Henry M. Teller and Mr. Frank B. Kellogg, prepared and presented resolutions which were adopted and the Attorney General was requested to present them to the court.

SUPREME COURT OF THE UNITED STATES.

MONDAY, JANUARY 9, 1911.

Present: THE CHIEF JUSTICE, MR. JUSTICE HARLAN, MR. JUSTICE MCKENNA, MR. JUSTICE HOLMES, MR. JUSTICE DAY, MR. JUSTICE LURTON, MR. JUSTICE HUGHES, MR. JUSTICE VAN DEVANTER and MR. JUSTICE LAMAR.

Mr. Attorney General Wickersham presented to the court the following resolutions which had been adopted:

Resolved, That the members of the Bar of the Supreme Court desire to express their profound regret at the death of MELVILLE WESTON FULLER, eighth Chief Justice of the United States, and to record their high appreciation of his life and character and of his conspicuous and faithful service to his country.

Born in the State of Maine, he went to Chicago at the age of twenty-three, when that great city was in its infancy, and there entered upon his long and distinguished professional career, which culminated in his elevation to the most exalted judicial station in our government.

He secured the advantages of an academic and classical education at Bowdoin College, and always retained the habits and tastes of the student and scholar.

He was a man of the most extensive and varied reading in the profession, in governmental and political discussion and in general literature.

He rapidly achieved a commanding position at the then exceptionally brilliant bar of the city of his adoption, and for thirty-two years carried on an extended and diversified practice in the courts of his State; nor did he infrequently appear before the great tribunal over which he afterwards, and for twenty-two years, presided with such marked ability and distinction.

He was a man of singular beauty and purity of character.

While he was at the bar no one harbored a suspicion that the exigency of forensic controversy, in which he was almost constantly engaged, could ever tempt him to aught that was unfair or unworthy of the highest ideals of a noble and honorable profession.

As Chief Justice it is enough to say that with conspicuous fidelity he fully and consistently maintained the best traditions of that high office. He took a deep interest in the efforts to secure peace between nations by international arbitration, and was appointed by our government to membership in the permanent court established in 1899 by the First Peace Conference and served in that capacity.

His character was marked by a gentle courtesy and consideration which constantly illuminated and attended upon the discharge of his important public duties, always marked his relations with the bar, and earned that popular confidence which goes out to him whom the people believe to be a merciful and considerate as well as a just and impartial judge.

All this he was; and, endowed by nature with talents not inferior to those of his predecessors, possessed of attainments, training and experience adequate to the exacting requirements of his great office, he filled it at all times in such a manner as to command the admiration and respect of the bar and the grateful appreciation of his countrymen.

On the morning of July 4 last, at his beautiful summer home, on the soil of the State in which he was born, and to which he remained always deeply attached, his long, useful and honorable life ended; and when the sad announcement was made we who had practised in the great tribunal where he so long presided felt a deep sense of personal loss and personal bereavement that he had gone from us forever.

Resolved, also, That the Attorney General be asked to present these resolutions to the court and to request that they be inscribed upon its permanent records.

And that the Chairman of this meeting be requested to transmit a copy of the resolutions to the family of the late Chief Justice and an expression of our sincere sympathy with them in the great and irreparable loss which they have sustained.

THE ATTORNEY GENERAL then said:

On the last day of the last term of this court CHIEF JUSTICE FULLER, responding to resolutions of the bar and observations in commemoration of Mr. Justice Brewer, spoke sadly of the procession of his brethren who had passed before him to their reward: "They were all men of marked ability, of untiring industry, and of intense devotion to duty, but they were not alike; they differed, as one star differeth from another star in glory."

A few days later, and he too joined that procession, leaving but one survivor of that body of great judges—Miller, Field, Bradley, Harlan, Matthews, Gray, Blatchford and Lamar—over which he was called to preside when he succeeded Chief Justice Waite in October, 1888.

"The oldest members of this court," said Mr. Justice Miller in speaking of Chief Justice Waite, "know of no one who was better fitted to discharge the administrative duties of the office of its Chief Justice, or who ever did so with more acceptability to his associates and to the public at large."¹

Mr. Waite's successor was to fully earn a like encomium. He was peculiarly well fitted to the discharge of those duties. As the presiding officer and spokesman of the court, during his long incumbency, his gentle, dignified bearing and kindly considerate manner won for him the

¹ 126 U. S. Appx.

sympathetic appreciation of the bar, and the respect and affection of his associates.

Campbell wrote of Lord Eldon, "Among his qualifications for the judgment seat must be reckoned his fine temper and delightful manners. . . ."

These attributes in a judge are entirely consistent with the possession of a discriminating intellect, clear perceptions and decisiveness of character. They tend to the preservation of that relation of cordial respect which must exist between bench and bar in order that the court may get from the bar the advantage of clear, temperate, candid statement, and the bar may feel assured of patient hearing and thorough comprehension by the court.

The life of a Justice of this court is one of unremitting toil. The creation of the Circuit Courts of Appeals in 1891 afforded it but temporary relief. Only by the most arduous labor has the court been able to keep measurably abreast of the business which the expanding exercise of Federal power has brought upon its dockets. The period of CHIEF JUSTICE FULLER's incumbency was one of unprecedented national growth. Even the twenty years following the Civil War did not give rise to the great number and variety of new questions which have been pressed upon the court since the year 1888.

The attempts to solve by legislation economic questions resulting from our industrial growth, of which the income-tax law, the bankruptcy law of 1898, the acts concerning carriers in interstate commerce, the law against unlawful trusts and monopolies, the meat-inspection laws, the food and drugs act, the tea-inspection law and the oleomargarine laws, the Chinese-exclusion acts and the other immigration and naturalization laws are illustrative, have required this court to construe and apply with patient study and statesmanlike comprehension the principles of the Federal Constitution, in the effort to preserve inviolate the dual nature of our governmental system; not hesitating to assert the paramountcy of the National Gov-

ernment over those subjects where the Constitution declares it to be supreme, nor to check the usurpation by Federal authority of those powers which, not being expressly or by implication delegated to the General Government, are reserved "to the States respectively or to the people."

The war with Spain made us a world power and brought to the decision of this court novel questions as to the relations of our Government to territory acquired by conquest or purchase. In dealing with all of these great questions CHIEF JUSTICE FULLER played no inconsiderable rôle. During his twenty-two years of service he wrote eight hundred and twenty-nine opinions, of which but twenty-nine expressed the views of a minority of the court. He wrote the opinion of the court in the *Behring Sea cases* (*In re Cooper*, 143 U. S. 472), in the first case arising under the Sherman anti-trust law (*United States v. Knight*, 156 U. S. 1), and in one of the latest, the so-called *Danbury Hatters' case* (*Loewe v. Lawlor*, 208 U. S. 274); in the income-tax cases (*Pollock v. Farmers' Loan and Trust Co.*, 157 U. S. 429; 158 U. S. 601); in *Kansas v. Colorado* (185 U. S. 125); in the case arising under the first safety-appliance law (*Johnson v. Southern Pacific Co.*, 196 U. S. 1), and in the contempt proceedings against the sheriff of Chattanooga, Tenn., and his deputies (*United States v. Shipp*, 214 U. S. 386).

He wrote dissenting opinions in the case of *Mormon Church v. United States* (136 U. S. 1), where he denied the power of Congress to enact the law of February 19, 1887, repealing the charter of the Mormon Church and directing legal proceedings to be taken to wind up its affairs and dispose of its property; in the *Chinese Exclusion case* (*Fong Yue Ting v. United States*, 149 U. S. 698), and in the case of the *United States v. Wong Kim Ark* (169 U. S. 649), where the court held that a child of Chinese parents born in the United States became at birth a citizen of the United States; in the *Lottery case* (188 U. S. 321); in the

Insular cases (*Dooley v. United States*, 183 U. S. 151); and he concurred in the dissenting opinion of Mr. Justice Lamar in *In re Neagle* (135 U. S. 1), the case in which it was held that petitioner, a deputy United States marshal, was justified in killing an assailant of a Justice of this court whom he had been detailed to protect from violence; in the dissenting opinion of Mr. Justice White, in *The Northern Securities case* (193 U. S. 197); and in the dissenting opinion of Mr. Justice Brewer, in *Hale v. Henkel* (201 U. S. 43).

It is difficult to select from the great volume of CHIEF JUSTICE FULLER's contributions to the work of this court those of his opinions which best illustrate the extent of his learning and the nature of his acumen, without unduly extending these remarks.

CHIEF JUSTICE FULLER's opinions are all characterized by a simple lucidity of statement and a directness of reasoning free from subtlety. His mind naturally tended to resist the broadening application of Federal control over subjects which until recent years had been left entirely to State regulation.

"In my opinion," he wrote, in the *Mormon Church case* (136 U. S. 1, 67), "Congress is restrained, not merely by the limitations expressed in the Constitution, but also by the absence of any grant of power, expressed or implied in that instrument. . . . I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any one of its departments. The legislative power of Congress is delegated and not inherent, and is therefore limited. I agree that the power to make needful rules and regulations for the Territories necessarily comprehends the power to suppress crime; and it is immaterial even though that crime assumes the form of a religious belief or creed. Congress has the power to extirpate polygamy in any of the Territories by the enactment of a criminal code di-

rected to that end; but it is not authorized under the cover of that power to seize and confiscate the property of persons, individuals or corporations, without office found, because they may have been guilty of criminal practices.

"The doctrine of *cy-près* is one of construction and not of administration. By it a fund devoted to a particular charity is applied to a cognate purpose, and if the purpose for which this property was accumulated was such as has been depicted it cannot be brought within the rule of application to a purpose as nearly as possible resembling that denounced. Nor is there here any counterpart in congressional power to the exercise of the royal prerogative in the disposition of a charity. If this property was accumulated for purposes declared illegal, that does not justify its arbitrary disposition by judicial legislation. In my judgment, its diversion under this act of Congress is in contravention of specific limitations in the Constitution, unauthorized, expressly or by implication, by any of its provisions, and in disregard of the fundamental principle that the legislative power of the United States as exercised by the agents of the people of this republic is delegated and not inherent."

CHIEF JUSTICE FULLER wrote the opinions of the court in deciding a number of controversies between States of the Union (*Kansas v. Colorado*, 185 U. S. 125; *Virginia v. West Virginia*, 206 U. S. 290; *Louisiana v. Mississippi*, 202 U. S. 1), and in the prize cases which resulted from the Spanish War (*The Carlos F. Roses*, 177 U. S. 655; *The Pedro*, 175 U. S. 354; *The Benito Estenger*, 176 U. S. 558; the *Manila Prize Cases*, 188 U. S. 254; the *Infanta Maria Teresa*, 188 U. S. 283). In the case of *Ponce v. Roman Catholic Church* (210 U. S. 296), by an interesting historical review, he sustained the proposition that the Roman Catholic Church in Porto Rico was a juridical person, whose property was entitled to protection under the

terms of the treaty between the United States and Spain.

The Talmud compares the study of the law to a huge heap of dust that is to be cleared away. "The foolish man says, 'It is impossible that I should be able to remove this immense heap. I will not attempt it.' But the wise man says, 'I will remove a little to-day, some more to-morrow, and more the day after, and thus in time I shall have removed it all.'" It was in this spirit that CHIEF JUSTICE FULLER toiled during the years that he presided over this court. Much of the work of all courts is of but transitory importance, save in so far as it keeps ever burning the sacred lamp of justice to lighten the footsteps of men. But the labors of this tribunal are essential to the preservation of the liberties of a free people. In the largest proportion of causes submitted to its judgment every decision becomes a page of history, and may become part of a rampart against anarchy. To this court men look for the maintenance of those rights which our forefathers wrung from a reluctant monarch at Runnymede eight hundred years ago, which are now embodied in the Constitution of the United States, and which are as essential to the protection of the citizen against the tyranny of a hydra-headed tyrant of the future as they were against the monarchs of the past.

The labors of the eighth Chief Justice are over, and his work in this court is submitted to the judgment of men. As he said of Justice Brewer, "he died suddenly, but not the unprepared death from which we pray to be delivered," and having finished his course in faith he doth now rest from his labors.

THE CHIEF JUSTICE responded:

MR. ATTORNEY GENERAL: The resolutions which you present are consoling, since they show how poignantly our brethren of the bar share with us the sorrow caused by the death of our cherished and venerated Chief Justice.

When the shadow which the bereavement resulting from his loss casts upon the path of duty which lies before us is considered the resolutions are additionally consoling, since they strengthen our conviction that, whatever may be our infirmities, we may always rely upon the generous judgment of our brethren of the bar if only we bring to the discharge of our duties the singleness of purpose which ever characterized the judicial labors of our late Chief Justice.

Those labors find an enduring memorial in the reported decisions of the court rendered during the long period of his service. Their potency, whether in enforcing and protecting individual right or in perpetuating representative government by upholding our constitutional institutions, has passed beyond the influence of praise or blame. They have become the heritage of his countrymen, for whose good he labored with untiring devotion.

The darkness of the valley of the shadow of death yet so obscures vision as to render it impossible for me to attempt now to fix the result of the labors of the Chief Justice or to define with accuracy the scope of the blessings to his countrymen and to mankind which have arisen from his work. I therefore do not attempt to supplement the brief statement on that subject which you, Mr. Attorney General, have so eloquently made. So, also, I shall forbear to comment upon the wide attainments of the late Chief Justice, his engaging literary fancy, his great familiarity with precedents, and his grasp of fundamental principles. I leave these special attributes, as well as the wider considerations which would be required to be taken into view in order to symmetrically analyze the judicial work of the late Chief Justice, not only because some other occasion would be more appropriate and some more masterful hand than mine, be required to do justice to those subjects, but also because my purpose now is only briefly to refer to some of the more

endearing and admirable personal traits of the Chief Justice which were manifested to those associated with him in judicial labor, and at the same time to mark the attributes from which those traits were derived and sustained.

Briefly, those qualities were his untiring attention to his judicial duties and the dedication which he made to the efficient and wise performance of those duties of every intellectual and moral power which he possessed; his love of justice for justice's sake, his kindness, his gentleness, associated, however, with a courage which gave him always the power fearlessly to do what he thought was right, without fear or favor. The source whence these endearing and noble qualities were derived was not far to seek. It was faith in the power of good over evil; faith in the capacity of his fellow-men for self-government; faith in the wisdom of the fathers of our institutions; faith, unshaken faith, in the efficiency of the system of constitutional government which they established and its adequacy to protect the rights and liberties of the people. And, above all, there was an abounding faith in Divine Providence, the faith of a Christian, which dominated his being and welded all his faculties into an harmonious whole, causing his nature to be resonant with the melody of hope and charity, which made him what he was—a simple, kindly, generous, true, brave, and devoted public servant, treading with unswerving step the path of duty, until the tender voice of the All-Wise and Merciful Father called him from labor to rest, from solicitude to peace, and to his exceeding and enduring reward.

Mr. Attorney General, the resolutions of our brethren of the bar will be made a part of the records of the court. In making this order the thought comes unbidden to the mind that if there be in the future, by either the bench or the bar, a failure to discharge duty because of the want of an honest effort to do so, the resolutions will become the test of our moral insufficiency and be a relentless in-

strument for our condemnation. But the shadow created by these misgivings is at once dispelled by our conviction that although the Chief Justice has gone before, yet doth he abide with us by his precept and example, which I cannot refrain from hoping will be a spiritual beacon leading both bench and bar to a perfect dedication of all their powers to the complete discharge of their whole duty. Ah! In the luminosity afforded by that example and precept, and with the benign vision given by that faith which is the proof of things unseen, may the hope not be indulged in that the result of such a consecration to duty will enable us to behold a continued righteous administration of justice, a preservation of our constitutional government, the fructification of all the activities of our vast country for the benefit of the whole people, the abiding of tranquility and happiness in all the homes of all our land, and the continued enjoyment by all our countrymen of individual liberty restrained from license and safeguarded from oppression.

The resolutions of the bar and the remarks of the Attorney General will be spread upon the minutes, and any other tributes that may be received will be placed upon the files.

THE FOLLOWING TRIBUTES IN MEMORY OF
MELVILLE WESTON FULLER, CHIEF JUSTICE
OF THE UNITED STATES, HAVE BEEN RE-
CEIVED AND PLACED ON FILE:

TRIBUTE FROM THE SUPREME COURT OF BRAZIL.

EMBAIXADA DO BRAZIL,

WASHINGTON, *July 9th, 1910.*

SIR: In accordance with telegraphic instructions just received from Chief Justice Pindahyba de Mattos, I have the honor to inform you that the Supreme Court of Brazil, in its sitting of to-day, by proposal of Mr. Justice Amaxo

Cavalcanti, unanimously approved, has resolved to insert in the record of proceedings the expression of its deep grief for the demise of the eminent jurist, CHIEF JUSTICE FULLER.

I avail myself of this opportunity to renew to you, Sir, the assurances of my highest consideration.

R. DE LIMA SILVA,
Chargé d'Affaires.

The honorable CHIEF JUSTICE of the Supreme Court of the United States of America.

SUPREME COURT OF THE UNITED STATES,
WASHINGTON, D. C., *October 24th, 1910.*

SIR: Upon the reassembling, recently, of the Supreme Court of the United States its attention was called by me to your communication in which you stated that the Supreme Court of Brazil had unanimously resolved to insert in the record of its proceedings an expression of deep grief on account of the death of the late Chief Justice of this court, MR. CHIEF JUSTICE FULLER.

This court directs me to express its grateful acknowledgements to the Supreme Court of Brazil for this kindly, considerate action on its part. I have the honor to request, on behalf of this court and by its direction, that you will convey to the Supreme Court of Brazil, through its eminent Chief Justice, an expression of the thanks of this court for its action touching the great loss this country has sustained.

With profound respect for the highest judicial tribunal of Brazil, and with assurances of personal esteem,

I am, my dear sir, your obedient servant,

JOHN M. HARLAN,
*Senior Associate Justice of the
Supreme Court of the United States.*

*Chargé d'Affaires, Brazilian Embassy,
Washington, D. C.*

PROCEEDINGS OF THE BOARD OF MANAGERS OF THE
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS
AND SAILORS, SEPT. 6, 1910.

The president of the board having announced the death, on July 4, 1910, of HON. MELVILLE W. FULLER, Chief Justice of the United States, a member of the board of managers, General Smith, upon motion, was appointed a committee to prepare a suitable memorial resolution and presented the following, which, upon motion, was ordered upon the minutes:

MELVILLE WESTON FULLER.

The death of MELVILLE WESTON FULLER, which occurred on July 4, 1910, at Sorrento, Maine, his summer home, removes from our rolls an honored name.

CHIEF JUSTICE FULLER was a native of Maine. Born in Augusta, February 11, 1833, he entered college when sixteen years of age and was graduated at Bowdoin four years later. After pursuing legal studies at the Harvard Law School he was admitted to the bar in 1855, and commenced the practice of his profession in the city of his birth. At the same time, interested in literature and politics, he devoted himself to editorial work as editor of *The New Age*. But visions of a new empire were already drawing him westward and he soon removed to Chicago, where at the bar he rapidly won high reputation for industry, good judgment and distinguished ability. On October 8, 1888, he became Chief Justice of the United States, and for twenty-two years he performed the duties of this high office with entire satisfaction to the members of the bar and his colleagues on the bench.

At the same time, *ex officio*, CHIEF JUSTICE FULLER became a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers. No other *ex officio* member of the board took a deeper interest in all matters pertaining to the comfort and welfare of the soldiers of the Civil War than did he. At the meetings of the board

in Washington he not only aimed to be present, but he brought to the discharge of his duties as a member of the board the same unfailing courtesy and sound judgment that distinguished his career at the bar and on the bench.

His loss is not only the loss of an ever-charming personality, but of an associate with whom it was an honor to act in the administration of a trust that appeals alike to patriotic feeling and endeavor, and we deem it a privilege, therefore, to place on record our high appreciation of his noble character and valuable services.

TRIBUTE OF THE BAR OF THE DISTRICT COURT OF THE
UNITED STATES FOR PORTO RICO, July 19, 1910.

Court met pursuant to adjournment at 10 o'clock A. M.

Present: Honorable John J. Jenkins, Judge.

The following proceedings were had, that is to say:

In re the demise of HONORABLE MELVILLE W. FULLER, late Chief Justice of the Supreme Court of the United States.

And now on this day, the same being the time therefor, as heretofore ordered, to receive from the committee appointed in that behalf, resolutions regarding the demise and the life and work of the HONORABLE MELVILLE W. FULLER, late Chief Justice of the Supreme Court of the United States—

Comes N. B. K. Pettingill, Esq., on behalf of the committee so appointed and in open court reads said resolutions and presents additional pertinent observations eulogistic of the deceased and his great work as a jurist and a man, all of which is done in the presence of a large number of the members of the bar. Whereupon, no other members of the bar desiring to be heard, the court makes suitable response from the bench and in answer to Mr. Pettingill's motion, the court and members of the bar arise, and it is then solemnly:

Ordered, That the resolution so prepared and presented regarding the life, work, and the demise of the late Chief

Justice of the Supreme Court of the United States, be, and they are hereby, spread upon the records of the court as a permanent tribute in memory of the deceased. And the clerk of this court is directed to forward to the clerk of the Supreme Court of the United States a certified copy of the resolution and same is entered of record as follows, that is to say:

To the Honorable JOHN J. JENKINS,
*Judge of the District Court of the
United States for Porto Rico:*

Availing ourselves of the permission given to present a memorial to this court in memory of MELVILLE W. FULLER, late Chief Justice of the United States, the members of this bar desire in this manner to perpetuate upon its records their profound appreciation of the purity and nobility of his character, the pre-eminence of his juristic learning, and the exalted self-denial of his public service.

Born in Augusta, Maine, of a family in whose veins ran the best blood of New England, the traditions of his ancestors gave inspiration toward a life devoted to the pursuit of those high ideals associated with the refinement of learning and culture rather than to the strife of the political or commercial arena. He chose as the vehicle of those attainments our profession of the law, and was naturally drawn to the wide field of labor and achievement offered by the largest city of the expanding West.

Although practically beginning his career in a new community without influential friends, continually exposed to the stress of sharp competition and the rivalry of intellects as keen and powerful as any in our country, and surrounded by the increasing spirit of commercialism which had begun to assail our profession, he remained true to the severest interpretation of its ethics and was noted for his ardent sympathy with the cause of the poor and the oppressed, and for his absorption in the purely legal aspects of questions involved in the litigation in-

trusted to him, irrespective of the celebrity of the cause, the fame of the client, or the prospect of compensation. Nevertheless, his mental power and moral force were such that he achieved the undisputed leadership of the bar of his adopted State and gained the friendship and admiration of that great lawyer-President who placed him at the head of the greatest tribunal of the world.

His work of more than twenty years as Chief Justice of that tribunal is perpetuated on the pages of ninety volumes of its reports, and his opinions constitute a worthy monument to the breadth and soundness of his legal attainments; his remarkable power of clear statement, his uniform freedom from prejudice, and his unswerving judicial impartiality.

It has been the good fortune of this bar to be brought into closer contact with the exalted bench which the late Chief Justice ornamented than any other bar in the United States, except that of the District of Columbia. From that contact has resulted a high appreciation of those qualities above so inadequately portrayed, and his death brings with it to some of us a sense of personal sorrow and loss.

To the personal character and attributes of the lamented Chief Justice no higher tribute can be paid than that he was most respected, best loved and most revered by those who had known him longest and most intimately. Familiarity could not breed contempt, because there was in him nothing contemptible. None knew him but to love him, because in him were combined only elements altogether lovely.

From youth to old age he was the upright man, the loyal friend, the unpretentious gentleman, the patriotic statesman and the impartial judge. The world mourns his death and knows itself made better by the example of his life. May the inspiration of that example long influence to higher thought and nobler action the profession which he honored!

It is respectfully requested that this memorial be spread upon the minutes of this day's proceedings, and that, as a further mark of respect, the court adjourn for the day.

For the bar of the United States District Court of Porto Rico.

N. B. K. PETTINGILL,
FRANCIS H. DEXTER,
MARTIN TRAVIESO,
Committee.

Whereupon the court, as a mark of respect to the late CHIEF JUSTICE MELVILLE W. FULLER, adjourns until Wednesday, July the 20th, 1910, at 10 o'clock A. M.

TRIBUTE OF THE BAR OF THE UNITED STATES COURTS
FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

CHIEF JUSTICE FULLER.

Whereas, the bar of the United States Courts for the Western District of North Carolina have learned with profound regret of the recent death of HONORABLE MELVILLE W. FULLER, for many years Chief Justice of the United States of America; and

Whereas, during his tenure of that exalted office many difficult and intricate causes came before the court for adjudication, causes involving questions arising out of the war between the States, the Spanish War, the acquisition of the Hawaiian and Philippine Islands, and the island of Porto Rico; the occupation of Cuba by the United States, the collection of duties from the products of our newly-acquired possessions; and the controversies growing out of disputes between capital and labor, all as vital as those arising in the formative period of our government; and

Whereas, his opinion in all cases coming before that court, whether of concurrence or dissent, revealed profound learning, great industry, untiring patience and a broad and comprehensive grasp, not only of the immedi-

ate, but the ultimate effects involved in the decision of the questions involved; and

Whereas, his bearing as the presiding officer of the greatest judicial tribunal of Christendom was marked by conspicuous dignity, urbanity and consideration for all having business with that exalted tribunal of justice: Therefore,

Resolved, First. That in the life and career of CHIEF JUSTICE FULLER the American people have been blessed with the unselfish services of a profound and erudite jurist, a pure and wise patriot and a well-poised presiding officer, whose ability made him the peer of Marshall or Waite, of Taney or Chase, his most illustrious predecessors.

Second. That in his death the citizens and lawyers of America have sustained a serious and lamentable loss; the world has been deprived of the example of a great and good man, the United States a true patriot and humanity and religion the walk and conversation of a true Christian of unblemished character.

Third. That this court do now adjourn out of respect to his memory; that a page of the minutes of this court be set apart for the recording of these resolutions, and that a copy of them, under the seal of this court, be filed with the Supreme Court of the United States and a copy be sent each surviving member of his immediate family.

J. H. MERRIMON,

F. A. SONDLEY,

CHAS. A. MOORE,

T. F. DAVIDSON,

LOCKE CRAIG, *Committee*.

TRIBUTE OF THE OHIO STATE BAR ASSOCIATION.

MR. MORTIMER MATTHEWS: I wish to present the report of the committee appointed to draft resolutions upon the decease of CHIEF JUSTICE FULLER of the United States Supreme Court, and JUSTICES BREWER and PECKHAM, as follows:

The recent decease of three distinguished jurists, not members of this association, but by national function and high character, entitled to an expression of its respect, should not be passed by in silence; therefore be it

Resolved, That in the death of MELVILLE W. FULLER, the late Chief Justice of the Supreme Court of the United States, on July 4, 1910, full of years and honor in the midst of his high duties, this association feels a sense of loss, fostered by kind association and extended observation of a distinguished and honorable career.

Resolved, also, That the deaths, since the last annual meeting of this association, of DAVID J. BREWER and of RUFUS W. PECKHAM, late Justices of the Supreme Court of the United States, after long terms of honorable service on that high court, are deplored by this association as a severe loss to the profession, of which they were highly valued members.

Resolved, further, That this association feels impelled to tender this expression of its sympathy in their irreparable loss to the families of these great judges, so closely joined in their careers, and to the Supreme Court of the United States, whose traditions they have so worthily upheld; and that the secretary of this association be instructed to forward copies of these resolutions to their families, and to the clerk of the Supreme Court of the United States.

We, the President and Secretary of the Ohio State Bar Association, do hereby certify that the foregoing is a full and true copy of a resolution introduced and adopted by the Ohio State Bar Association at its thirty-first annual meeting, commencing July sixth and ending July eighth, A. D. 1910.

ALLEN ANDREWS, *President*.

GILBERT H. STEWART, Jr., *Secretary*.

TRIBUTE OF THE CHICAGO BAR ASSOCIATION.

MELVILLE WESTON FULLER.

At a special meeting of the Chicago Bar Association

held on Tuesday, July the twelfth, nineteen hundred and ten, the following resolutions were adopted:

With the death, on July fourth instant, of MELVILLE WESTON FULLER, the eighth Chief Justice of the United States, the record of the life work and accomplishment of a great lawyer and judge, of a complete citizen and man, is closed. For the whole of his professional life, after the first year, he practiced at the bar of this city, to which he came as a young lawyer in eighteen hundred and fifty-six, and in which he rose, by unassuming and obvious merit, to an acknowledged leadership in his profession. From this bar he was called in eighteen hundred and eighty-eight, to be Chief Justice in the court of the greatest dignity and power. The records of the court show the great ability and the patient, conscientious thoroughness with which he administered his high office; and there will live in the recollection and esteem of all who knew or came in contact with him, his accomplishments, his gentle dignity, his pure and lofty character.

It is obviously fitting that this bar, which he so long graced and so honored, should pay their tribute to his memory: Therefore be it

Resolved, That the members of the Chicago bar recall with reverent regard his great qualities and testify to the great loss with which the country as well as his family and friends have been visited.

Resolved, That the chairman of this meeting cause these resolutions to be presented to the Supreme Court of the United States, the Federal courts in Chicago, the Supreme Court of Illinois, the Appellate Court of this district, and the courts of this county, and a copy thereof to be transmitted to the family of the late Chief Justice, with the assurance of the sincere sympathy of the members of the bar here assembled.

JOSEPH H. DEFREES,
President.

FARLIN H. BALL, *Secretary.*

TRIBUTE OF THE AMERICAN SOCIETY OF INTERNATIONAL
LAW ADOPTED AT THE ANNUAL MEETING, April 22, 1911.

Judge Gray and Mr. Butler reported the following resolution which was unanimously adopted:

The American Society of International Law records with sorrow the death of MELVILLE WESTON FULLER, Chief Justice of the United States and one of the Vice-Presidents of this Society since its organization.

CHIEF JUSTICE FULLER, in his speech and by his acts, had done his valiant part in carrying forward the greatest work of modern times—that of establishing peaceful methods for the settlement of international disputes. He was a member of the Arbitration Tribunal to settle the boundary line between Venezuela and Great Britain; was a member of the permanent Court at The Hague, and served as one of the special court in the case of the Muskat Dhows in 1904; as presiding justice of a court which is, as between the States of this Union an International Court of Justice, he participated in many cases involving the determination of principles of international law and the peaceful settlement of disputes between the sovereign States of this Union, and in many of those cases he rendered opinions which will ever stand as clear enunciations of the principles of law between nations.

He was deeply interested in the work of this Society, and attended all of its annual meetings.

He was born in Augusta, Maine, February 11, 1833; was graduated from Bowdoin College in 1853; was appointed Chief Justice of the United States and took the oath of office on October 8, 1888. He died at Sorrento, Maine, July 4, 1910.

The Society expresses its sympathy to the family of the late Chief Justice and directs that a copy of this minute be sent to it, and also that a copy be transmitted to the Supreme Court of the United States.

